

district court a libel praying seizure and condemnation of 69 bottles of Stoco for Colds at Atlanta, Ga., alleging that it had been shipped in interstate commerce on or about August 27, 1936, by the Stowe Co., from Charlotte, N. C., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of acetanilid (5 grains to each fluid ounce), alcohol, caffeine, phenolphthalein, salicylates, ammonium chloride, menthol, plant extractives including licorice, emodin-bearing drugs, flavoring oils, color, sugar, and water.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "Acetanilid 7 grs. to oz.", in that it contained less than 7 grains of acetanilid per ounce.

It was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, "For Colds * * * Very Effective In Treatment of Acute Head and Chest Colds", borne on the label, were false and fraudulent.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26995. Misbranding of Castrique Worm Powder, Spratt's Treatment for Bacillary White Diarrhoea and Spratt's Roupine Liquid Roup Treatment. U. S. v. 94 Cans of Castrique Worm Powder, and two other libel proceedings. Default decrees of condemnation and destruction. (F. & D. nos. 38857, 38858, 38859. Sample nos. 4250-C, 10755-C, 10756-C.)

The labeling of these veterinary preparations bore false and fraudulent curative and therapeutic claims.

On December 22 and December 24, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 94 cans of Castrique Worm Powder, 11 bottles of Spratt's Treatment for Bacillary White Diarrhoea, and 81 bottles of Spratt's Roupine Liquid Roup Treatment at San Francisco, Calif., alleging that the articles had been shipped in interstate commerce between the dates of July 11 and September 12, 1936, by Spratt's Patent, Ltd., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses showed that the worm powder consisted of sodium acetate; that the treatment for bacillary white diarrhoea consisted essentially of sodium hypochlorite and water; and that the Roupine Liquid Roup Treatment consisted of water (99.5 percent), and small amounts of aloë and mineral matter.

The worm powder was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for worms, and poor condition of puppies, adult dogs, cats, and other animals; effective for loss of energy of dogs; was effective as a treatment for worm symptoms of dogs such as red mange, rickets, unhealthy coat, foul smell, etc.; effective as a treatment for tapeworms and as a preventive of worms and effective to keep dogs fit. The treatment for bacillary white diarrhoea was alleged to be misbranded in that certain statements regarding its curative or therapeutic effects, borne on the label, falsely and fraudulently represented that it was effective as a treatment for bacillary white diarrhoea and coccidiosis of poultry; and effective as an intestinal disinfectant. The roup treatment was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a treatment for roup of poultry, ducks, geese, turkeys, pheasants, and all game birds.

On January 22 and January 26, 1937, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26996. Adulteration and misbranding of Cereal Lactic (Powder) and Cereal Lactic (Capsules). U. S. v. 41 Packages of Cereal Lactic (Powder) and 66 Packages of Cereal Lactic (Capsules). Default decree of condemnation and destruction. (F. & D. nos. 38903, 38904. Samples nos. 18643-C, 18644-C.)

Both of these articles contained extraneous nonaciduric bacteria, and a smaller number of lactic-acid-producing bacteria than represented on the label:

and the period of viability of each was less than claimed. Accompanying circulars contained false and fraudulent curative or therapeutic claims.

On January 4, 1937, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 packages of an article labeled "Cereal Lactic (Powder)" and 66 packages of another article labeled "Cereal Lactic (Capsules)" at St. Louis, Mo., alleging that they had been shipped in interstate commerce on or about July 11, 1936, by the Cereal Lactic Co., from Woodward, Iowa, and that they were adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis of the Cereal Lactic (Powder) showed the presence of lactic-acid-producing bacteria not to exceed 10,000 per gram, and the presence of extraneous nonaciduric bacteria (10,000 to 50,000 per gram). Analysis of the Cereal Lactic (Capsules) showed the presence of lactic-acid-producing bacteria not to exceed 100,000 per gram, and the presence of extraneous nonaciduric bacteria (20,000 to 80,000 per gram).

The Cereal Lactic (Powder) was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 10,000 to 50,000 extraneous nonaciduric bacteria per gram. Said article was alleged to be misbranded in that the statement borne on the label, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", was false and misleading in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 10,000 to 50,000 extraneous nonaciduric bacteria per gram.

The article Cereal Lactic (Capsules) was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 20,000 to 80,000 extraneous nonaciduric bacteria per gram. Said article was alleged to be misbranded in that the statement borne on the label, "Bacterial count: 173 million aciduric organisms per gram of dry material * * * Viability Exceeds 3 Years", was false and misleading in that the bacterial count was less than 173 million aciduric organisms per gram of dry material, its viability did not exceed 3 years, and it contained from 20,000 to 80,000 extraneous nonaciduric bacteria per gram.

Each of the articles was alleged to be misbranded further in that the statement regarding its curative or therapeutic effect contained in a circular enclosed in the package, "Cereal Lactic is indicated in all gastro-intestinal conditions where a change in intestinal flora is known to be beneficial; also in reflex symptoms due to toxins of gastro-enteric origin", falsely and fraudulently represented that it was capable of producing the effect claimed in said statement.

On February 8, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26997. Adulteration and misbranding of cod-liver oil. U. S. v. 8 Drums of Cod-Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 38908. Sample no. 13086-C.)

The label of this product bore a false and misleading statement that it was cod-liver oil U. S. P., and that each gram contained 95 U. S. P. vitamin D units; whereas each gram contained less than 85 U. S. P. vitamin D units. It differed from the pharmacopoeial standard for cod-liver oil in that more than 1 cubic centimeter of tenth-normal sodium hydroxide, namely, 1.32 cubic centimeters, were required to neutralize the free acid in 2 grams of the sample; and it deposited stearin when immersed in a mixture of ice and distilled water for 5 hours.

On January 5, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 drums of cod-liver oil at Horseheads, N. Y., alleging that the article had been shipped in interstate commerce on or about August 10, 1933, by McKesson & Robbins, Inc.,